

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

DREW MACEWEN, *et al.*,

Plaintiffs,

vs.

GOVERNOR JAY INSLEE, in his
official capacity as the Governor of
Washington,

Defendant.

NO. 3:20-cv-05423-BHS

NOTICE OF SUPPLEMENTAL
AUTHORITY

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Pursuant to LCR 7(n), Defendant hereby notifies the Court of the following supplemental authorities, attached hereto as Exhibits 1 and 2, respectively, in support of his Response to Plaintiffs' Motion for Preliminary Injunction, Dkt. #31: (1) the July 14, 2020 Order of the U.S. District Court for the Eastern District of Washington in *Slidewaters LLC v. Washington Department of Labor & Industries*, No. 2:20-CV-0210-TOR, 2020 WL 3979661, in which the court, consolidating the plaintiff's motion for a preliminary injunction with a hearing on the merits pursuant to Federal Rule of Civil Procedure 65(a)(2), denied preliminary and permanent injunctive relief and dismissed the plaintiff's complaint with prejudice; and (2) the June 26, 2020 Order and transcript of the oral ruling of the Chelan County Superior Court in *Cuevas v. State*, No. 20-2-00352-04, in which the court denied plaintiffs' motion for a temporary restraining order, concluding that under "the plain language of the statute [ch. 70.26 RCW], the statutory history, . . . it would be a huge stretch to say

1 that this is supposed to be the plan that's in place if we're in the middle of a pandemic, regardless
2 of whether it's influenza or not" because "[i]t's a preparedness statute." Ex. 2 at 82:7–12.

3 Dated this 16th of July 2020.

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